

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JERRY QUINN DAVIS,)	
)	
Petitioner,)	
)	
vs.)	No. 09-3108-CV-S-ODS-H
)	
MARTY C. ANDERSON, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner seeks a trial in which to prove his innocence of the underlying criminal charges.

In *United States v. Davis*, 08-03126-01-CR-S-GAF, the defendant was indicted for attempted bank robbery. After an evaluation was conducted pursuant to 18 U.S.C. §4241, defendant was found incompetent to stand trial and was committed to the custody of the Attorney General under the provisions of Section 4241(d)(1), Title 18, United States Code. That commitment was for a period not to exceed four months. The commitment order was entered on January 21, 2009 (Doc. 35) in the criminal case. Defendant is therefore lawfully in the custody of the Attorney General.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: April 7, 2009